



STATE OF NEW JERSEY

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| In the Matter of Leo Blake, | : | FINAL ADMINISTRATIVE ACTION |
| Resource Interpretive Specialist 3 | : | OF THE |
| (PS9470G), Department | : | CIVIL SERVICE COMMISSION |
| of Environmental Protection | : | |
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| CSC Docket No. 2021-100 | : | Examination Appeal |
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ISSUED: SEPTEMBER 7, 2020 (SLK)

Leo Blake appeals his score and rank on the Resource Interpretive Specialist 3 (PS9470G), Department of Environmental Protection eligible list.

By way of background, the Division of Agency Services (Agency Services) initially determined that the appellant was ineligible for the subject examination because he did not have a Bachelor’s degree in one of the required areas, Ecology, Forestry, one of the Biological Sciences, Natural Resource Management, Environmental Science or Wildlife Management, History, American History, Art History, Architectural History, American Studies, American Literature, or Museum Studies. However, for the reasons set forth in *In the Matter of Leo Blake* (CSC, decided May 20, 2020), the Civil Service Commission (Commission) granted his appeal and admitted the appellant to the subject examination. Thereafter, Agency Services determined that his score on the subject unassembled examination was 76.00 based on a flat passing score of 70.000, a score of 5.000 for seniority and 1.000 for his Performance Assessment Review (PAR).¹ His rank on the subject eligible list was 17.

¹ An unassembled examination derives a candidate’s score based on a rating of their education and experience, as well as credit for seniority and PAR. In this case, Agency Services did not rate the appellant’s experience.

On appeal, the appellant believes that he should have received a higher score and rank based on his extensive experience and education credentials detailed on his application for the subject examination and the prior appeal.²

CONCLUSION

N.J.A.C. 4A:4-2.15(a) provides that ratings may be computed by a valid statistical method based on the use of scoring formulas and/or conversion tables.

1. When education and experience are to be rated as part of an examination, they shall be graded through the use of scales prepared by the Chairperson or designee.

N.J.A.C. 4A:4-2.15(c) provides that candidates for State service promotional examinations shall receive credit for the final PAR rating on file in the candidate's personnel office as of the announced closing date for the rating period immediately preceding the announced closing date.

1. When the PAR consists of a three-level rating scale, credit shall be awarded as follows:
 - i. Three points for Exceptional; or
 - ii. One point for Successful.

In this matter, a review of the scoring standard for the examination indicates that possessing a Bachelor's degree did not impact scoring since all candidates were required to have one, but a candidate could receive one point for a Master's degree in one of the required fields above. Additionally, applicable experience was in the research and preparation of environmental, natural resource or historic resource information, natural or historic resource interpretation, the implementation of environmental, natural or historic resource programs, or the planning, preparation, and care of exhibits of objects of artistic or historic value. Candidates received full-credit for applicable supervisory experience and half-credit for applicable non-supervisory experience within 10 years prior to the April 22, 2019 closing date.

Agency Services correctly did not consider the appellant's education when scoring his examination as the Commission, in its previous decision, "relaxed the rule" concerning his education, and indicated this his education should only be considered "for eligibility purposes only".³ In accordance with longstanding policy,

² He also indicates that this agency was unable to allow him to view the test papers due to the current pandemic and that he would submit additional argument once he can review them.

³ In this regard, Agency Services properly did not award scoring credit for the appellant's Master's degree in Public Administration, which, despite his arguments to the contrary, is not one of the areas listed as an applicable Master's degree for scoring purposes.

education and experience are not evaluated for additional credit above the base score of 70.00 when the candidate is admitted to the examination solely on permanent service in a title to which the exam is open, but does not satisfy the complete open competitive requirements. As such, since the appellant did not meet the open competitive requirements since he did not possess one of the specified Bachelor's degrees, Agency Services only credited him with the base passing score of 70.00. However, as the appellant's experience was not at issue in the prior decision and the Commission did not relax the rules concerning his experience to allow his admittance, the Commission did not order any such limitation on including his experience in calculating his score. Therefore, the Commission will consider the issue of the appellant's experience and utilization, in this particular case, of the flat 70.00 base score policy.

While Agency Services correctly applied its longstanding policy, in this particular situation, it cannot be ignored that the appellant has served as a Historic Preservation Specialist and in the Resource Interpretive Specialist title series since December 2000. In other words, as of the April 22, 2019 closing date, the appellant had over 18 years of experience in the title series under test. In this regard, the Commission underscores that the dual purpose of the Civil Service system is to ensure efficient public service for State government and to provide appointment and advancement opportunities to Civil Service employees based on their merit and abilities. To not consider the fact that the appellant has extensive in-title experience, in conjunction with the fact that the Resource Interpretive Specialist title series underwent significant changes in 2001, including the creation of the Historic Resources and Natural Resources variants, effectively does not permit the appellant to compete for advancement based on his abilities.

Therefore, the Commission orders that Agency Services shall re-calculate the appellant's score and consider his experience in determining his score and rank in a matter that is consistent with the scoring standard. However, the appellant's re-calculated score is for prospective appointment consideration only.

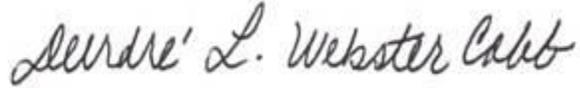
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that this appeal be granted in part, and Agency Services re-calculate the appellant's score and rank by considering his experience. It is further ordered that the appellant's re-calculated score be for prospective appointment consideration only.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 2ND DAY OF SEPTEMBER 2020



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

c: Leo Blake
Lauren Young-Boukema
Robin Liebeskind
Agency Services
Record Center

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE DAY OF , 2020

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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